

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LATONIA CRAWFORD,

Plaintiff,

v.

ZIMMER BIOMET HOLDINGS, INC., *et al.*

Defendants.

Case No. 1:21-cv-00988-AWI-CDB

ORDER ON STIPULATION AMENDING
FOURTH AMENDED SCHEDULING
ORDER AS MODIFIED

(ECF No. 53)

On June 16, 2021, Defendants Zimmer Biomet Holdings, Inc., Zimmer Biomet, Inc., and Zimmer Biomet U.S., Inc. (“Defendants”), removed this action filed by Latonia Crawford (“Plaintiff”) from Kern County Superior Court. (ECF No. 1). On September 17, 2021, the Court granted the parties’ joint request to set a deadline to complete non-expert discovery by April 20, 2022. (ECF Nos. 8, 10). Thereafter, the parties requested, and the Court granted numerous extensions of this date and all related pretrial and trial dates. (ECF Nos. 18, 19, 26, 28, 30, 31, 44, 46). The Court found good cause existed for these extensions as the parties anticipated and filed dispositive motions, intended to prepare for and undertake depositions (including Plaintiff’s deposition) and conduct additional discovery.

Pending before the Court now is the parties’ fourth stipulated request for an extension in the case schedule. (ECF No. 53). The parties filed their stipulation for order the day before non-expert discovery was scheduled to close. *Id.* Requests for extensions of time in the Eastern District

1 of California are governed by Local Rule 144, which provides: “Counsel shall seek to obtain a
2 necessary extension from the Court or from other counsel or parties in an action as soon as the need
3 for an extension becomes apparent.” L.R. 144(d). Moreover, the Court advised the parties in the
4 scheduling order: “No motion to amend or stipulation to amend the case schedule will be
5 entertained unless it is filed at least one week before the first deadline of the parties wish to extend.”
6 (ECF No. 10).

7 Here, given the parties’ representations about the reasons for seeking an extension of
8 time – to take additional depositions based on information learned in October 2022 and to
9 accommodate the recent substitution of counsel – it should have become apparent before the last
10 day to conduct fact discovery that an extension of the discovery deadlines, pretrial and trial dates
11 was necessary. (ECF No. 53). Pursuant to Local Rule 144 and the Scheduling Order (ECF No.
12 10), the parties were required to file their current request for extension of time before now.

13 The Court disfavors granting *nunc pro tunc* relief and directs the parties to exercise better
14 care in anticipating any future requests for extensions of time and filing such requests well before
15 the terminal filing date that the parties seek to extend. However, under the circumstances, the
16 parties have demonstrated good cause for the extension.

17 While the Court will grant the parties’ requested extension, the undersigned cautions the
18 parties that, because fact discovery already has proceeded for more than 15 months, any further
19 requests for extensions are likely to be denied without a particularized and timely filing
20 demonstrating unforeseen circumstances beyond the parties’ control.

21 Accordingly, it is HEREBY ORDERED: The following deadlines shall be extended to:

- 22 • Discovery Deadlines
23 Non-Expert: March 10, 2023
Expert: July 10, 2023
- 24 • Non-Dispositive Motion Deadlines
25 Filing: July 24, 2023
Hearing: August 25, 2023
- 26 • Dispositive Motion Deadlines
27 Filing: August 25, 2023
28 Hearing: September 8, 2023

- Pre-Trial Conference
November 30, 2023 at 10:00 a.m.
Courtroom 2
- Trial
January 30, 2024 at 8:30 a.m.
Courtroom 2

It is FURTHER ORDERED all other aspects of the Court's September 20, 2021, Scheduling Order (ECF No. 10) not otherwise inconsistent with this Order shall remain in effect.

IT IS SO ORDERED.

Dated: **January 6, 2023**


UNITED STATES MAGISTRATE JUDGE